

REMARKS

In order to sustain an obviousness rejection, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

It has been argued that United States Patent No. 4,270,622 to *Travis* be combined with United States Patent No. 3,933,217 to *Eichinger* to show wheel hubs being driven by a bevel gearset and electric motor in combination with a planetary gearset. It would be improper to modify *Travis* by the teachings of *Eichinger*. *Travis* already has a plurality of bevel gears spaced along the length of the axle that provide gear reduction and would not require further planetary reduction. Further, there is no true suggestion to combine the *Travis* and *Eichinger* patents, and only the disclosure of the combination in applicant's application would suggest this combination. Applicant respectfully requests an indication of where in these references the suggestion or motivation for combination can be found.

Finally, even if these references were to be combined they do not teach the invention as set forth by Applicant in Claim 23. The *Eichinger* patent discloses a motor output shaft 11 that directly drives a sun gear 14 which in turn drives a wheel hub 6 where the shaft 11, sun gear 14, and hub 6 all rotate about a common axis.

Claim 48 requires a motor to be mounted at a vertical position higher than a vertical position of a floor. It has been argued that United States Patent No. 2,093,859 to *Austin* be combined with United States Patent No. 2,589,863 to *Quartullo*. The *Austin* reference discloses a

seating arrangement that teaches the raising of the vehicle floor over the driveline components. As noted at column 1, lines 24-30, the *Austin* reference proposed to “construct a vehicle in which passenger carrying decks are provided along each side wall on a plane above the wheel housing, with readily accessible and tightly closed baggage compartments beneath the passenger compartment and between the wheel housings.” Another benefit of the raised passenger compartment is that the passengers feel safer and more secure because in the event of a collision the impact is typically below and out of line with the passenger compartment, col. 1, lines 35-41. The engine and transmission in *Austin* are positioned at the rear of the bus behind the passenger seats to minimize interference with the baggage compartments.

The *Quartullo* reference discloses a delivery vehicle that has a flat floor area for storing cargo. An electric motor 18 drives a worm gear set 48, 50 to drive the wheel. The motor 18 and gear set 48, 50 are mounted adjacent to the wheel and are positioned within an envelope that does not extend above the wheel. If *Austin* is modified by the motor mounting shown in *Quartullo*, i.e. the motors do not extend above the wheel, the motors would not be at a vertically higher position than the floor, see Figures 1 and 4 of *Austin*.

Even assuming that *Quartullo* teaches the mounting of motors at a vertically higher position than the floor, to modify *Austin* in such a manner would destroy the benefits of *Austin*. The sole purpose of *Austin* was to provide an elevated passenger compartment with baggage storage underneath. *Austin* teaches placing powertrain of the bus at the rear of the vehicle behind the passenger seats to increase the baggage area below the seats. To modify *Austin* by removing the rear powertrain and mounting electric drive systems at each wheel would directly interfere with and decrease the baggage area. Thus, it is improper to modify *Austin* as taught by *Quartullo*.

Claims 23-49 are in condition for allowance. An early indication of such is earnestly solicited.

Respectfully Submitted,



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APPENDIX A

Version with markings to show changes made

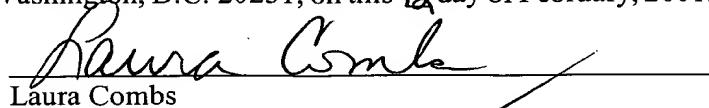
Page 7, paragraph beginning at line 20:

Another method of mounting the motors for the present invention is disclosed in [co-pending patent application number _____] United States Patent No. 5,924,504 entitled "Suspension Drive Unit Assembly for An Electronically Driven Vehicle." Another mounting of the motor relative to the axle of the wheel hub is disclosed in [co-pending patent application number _____] United States Patent No. 5,878,830 entitled "Space Saving Connection for Electric Drive Motor to Wheel Hub."

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CERTIFICATE OF MAILING

I hereby certify that the attached Amendment is being deposited with the United States Postal Service as "Express Mail - Post Office to Addressee", in an envelope addressed to Assistant Commissioner of Patents, Washington, D.C. 20231, on this 12 day of February, 2001.


Laura Combs

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